

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Middesk, Inc.

Plaintiff,

v.

**Osiris Ratings, Inc. d/b/a Baselayer, and
Jonathan Awad, and
Josh Leviloff,**

Defendants.

CIVIL ACTION NO. 1:25-CV-02677

**DECLARATION OF JASON BURNS, ESQ. IN SUPPORT OF PLAINTIFF'S
APPLICATION FOR ORDER TO SHOW CAUSE FOR EXPEDITED
DISCOVERY AND TO SCHEDULE AN EVIDENTIARY HEARING IN
SUPPORT OF PLAINTIFF'S REQUEST FOR A PRELIMINARY INJUNCTION**

I Jason D. Burns, declare and state as follows:

1. I am a member of the Bar of the State of New York and Shareholder at the law firm Greenberg Traurig LLP, attorneys for Plaintiff Middesk, Inc. ("Plaintiff").
2. I make this declaration in support of Plaintiff's Application for an Entry of an Order to Show Cause for Expedited Discovery and To Schedule an Evidentiary Hearing in Support of Plaintiff's Request For a Preliminary Injunction (the "Application").
3. I have personal knowledge of all facts set forth in this Declaration.
4. As of the date hereof, Plaintiff has concurrently filed a Verified Complaint against Defendants, including causes of action for breach of contract and under the Federal Defend Trade Secrets Act, the Application, and a Memorandum of Law in Support of the Application. Plaintiff filed the Complaint and the Application to protect Plaintiff's trade secrets and confidential information and to prepare for Plaintiff's requested preliminary injunction.

5. This declaration is submitted in support of that Application.

6. As set forth more fully in the Memorandum of Law in support of the Application, Plaintiff seeks expedited discovery of relevant information that is uniquely within the control of Defendants Osiris Ratings, Inc. d/b/a Baselayer, Jonathan Awad, and Josh Leviloff (“Defendants”).

7. In its Application and request for expedited discovery, Plaintiff seeks focused discovery consisting of the following:

- a. As described in the Application, a forensic review of a narrow list of devices and data sources in Defendants’ exclusive possession.
- b. Two (2) document requests and two (2) interrogatories directed to Defendant Awad (Exhibit A).
- c. Three (3) document requests and two (2) interrogatories directed to Defendant Baselayer (Exhibit B).
- d. Three (3) document requests and two (2) interrogatories directed to Defendant Leviloff (Exhibit C).
- e. Three (3) three-hour depositions of Defendants Awad, Baselayer, and Leviloff by way of Plaintiff’s Notices of Deposition (Exhibit D).

8. On March 31, 2025, an electronic copy of the Verified Complaint, Application for an Entry of an Order to Show Cause for Expedited Discovery and To Schedule an Evidentiary Hearing in Support of Plaintiff’s Request For a Preliminary Injunction, and all accompanying documents and exhibits were sent via email to counsel for Defendant Leviloff, Anthony M. Rainone at arainone@bracheichler.com, and counsel for Defendant Baselayer, Heather Diles

hdiles@wsgr.com and Matt Gorman mgorman@wsgr.com. Plaintiff's counsel has asked if Ms. Diles and Mr. Gorman also represent Defendant Awad but have not heard back.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Jason D. Burns

Executed on March 31, 2025